

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

**JULIA DESOGUGUA, individually
And on behalf of others similarly situated,**

Plaintiff

v.

CIVIL NO. 1:11-cv-0188-LO-JFA

**WELLS FARGO BANK, N.A. d/b/a
WELLS FARGO HOME MORTGAGE,**

Defendants

MOTION SETTING BRIEFING SCHEDULE

NOW COMES Plaintiff, Julia Desogugua (“Plaintiff”) and hereby moves this Court to reset the parties briefing schedule on the Defendant’s previously filed motion to dismiss the Amended Complaint, and in support thereof states as follows:

1. The Plaintiff sought an extension of time until July 5, 2011 to file her opposition to the Defendant Wells Fargo’s (“Defendant”) motion to dismiss, to which the Defendant agreed. Based on this date, Defendant’s rebuttal brief would have been due on July 11, 2011.

2. Plaintiff then filed a “Joint” Motion for Extension of Time (Docket No. 27), erroneously including the date of “July 1” as opposed to the agreed date of July 5. The Court entered an Order extending the time for Plaintiff to respond until July 1, 2011 (Docket No. 28). Should Plaintiff file her opposition on July 1, 2011, Defendant’s brief would be due July 7, as opposed to the July 11, 2011 previously agreed.

3. The Plaintiff requests that the Court enter an order amending the briefing schedule to reflect that the Plaintiff’s response is due no later than July 5, 2011, but regardless of when

Plaintiff files her opposition (assuming on or before July 5, 2011), the Defendant's rebuttal is due on July 11, 2011.

WHEREFORE, Plaintiff respectfully request that this Court grant her Motion and enter an order setting the deadlines as set forth above, a proposed order for which is attached as Exhibit A.

Respectfully submitted,

JULIA DESOGUGUA

/s/ Kristi C. Kelly
Kristi Cahoon Kelly, Esquire
(VSB No. 72791)
Surovell Isaacs Petersen & Levy, PLC
4010 University Drive, 2nd Floor
Fairfax, VA 22030
Telephone: (703) 277-9774
Facsimile: (703) 591-9285
E-mail: kkelly@siplfirm.com
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of June, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Hunter W. Sims Jr. (VSB No. 09218)
Terry C. Frank (VSB No. 74890)
J. Bradley Reaves (VSB No. 71389)
Kaufman & Canoles, P.C.
150 W. Main Street, Suite 2100
Norfolk, VA 23510-1665
Telephone: (757) 624-3205
Facsimile: (757) 624-3169
hwsims@kaufcan.com
tcfrank@kaufcan.com
jbreaves@kaufcan.com

Irene C. Freidel (*pro hac vice*)
Jennifer J. Nagle (*pro hac vice*)
K&L GATES LLP
State Street Financial Center
One Lincoln Street
Boston, MA 02111
Telephone: (617) 261-3100
Facsimile: (617) 261-3175
irene.freidel@klgates.com
jennifer.nagle@klgates.com
Counsel for Wells Fargo

/s/ Kristi C. Kelly

Kristi Cahoon Kelly, Esquire (VSB No. 72791)
Surovell Isaacs Petersen & Levy, PLC
4010 University Drive, 2nd Floor
Fairfax, VA 22030
Telephone: (703) 277-9774
Facsimile: (703) 591-9285
E-mail: kkelly@siplfirm.com
Counsel for Plaintiff

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

**JULIA DESOGUGUA, individually
And on behalf of others similarly situated,**

Plaintiff

v.

CIVIL NO. 1:11-cv-0188-LO-JFA

**WELLS FARGO BANK, N.A. d/b/a
WELLS FARGO HOME MORTGAGE,**

Defendants

AGREED ORDER

This cause is before the Court on the Motion Setting Briefing Schedule filed by Plaintiff, Julia Desogugua (“Plaintiff”). Having considered the motion and consent by the Defendant, Wells Fargo, and deeming it proper and just to do so, it is hereby ORDERED

- (1) The briefing schedule is amended to reflect Plaintiff’s Opposition to Defendant’s Motion to Dismiss the Amended Complaint shall be filed no later than July 5, 2011; and
- (2) Defendant’s Rebuttal Brief shall be filed on or before July 11, 2011, without regard to when Plaintiff filed her opposition brief assuming the same is filed on or before July 5, 2011.
- (3)
It is so ORDERED.

Entered:

District Court Judge

WE ASK FOR THIS:

/s/ Kristi C. Kelly

Kristi Cahoon Kelly, Esquire (VSB No. 72791)
Surovell Isaacs Petersen & Levy, PLC
4010 University Drive, 2nd Floor
Fairfax, VA 22030
Telephone: (703) 277-9774
Facsimile: (703) 591-9285
E-mail: kkelly@sipfirm.com
Counsel for Plaintiff

SEEN AND AGREED:

/s/ Terry C. Frank

Hunter W. Sims Jr. (VSB No. 09218)
Terry C. Frank (VSB No. 74890)
J. Bradley Reaves (VSB No. 71389)
Kaufman & Canoles, P.C.
150 W. Main Street, Suite 2100
Norfolk, VA 23510-1665
Telephone: (757) 624-3205
Facsimile: (757) 624-3169
E-mail: hwsims@kaufcan.com
E-mail: tcfrank@kaufcan.com
E-mail: jbreaves@kaufcan.com
Counsel for Wells Fargo